REMARKS

There is no acknowledgement of the Canadian application priority claim. Applicants request acknowledgement of the priority claim in the next Office Action.

I. CLAIM AMENDMENTS

The claims have been amended to clarify that the nodes are each separate nodes of a network.

It is evident from the claims and disclosure of the instant invention, that the applicants are dealing with nodes, such as might occur in different cities, rather than switches within nodes, as used by Ellinas.

II. PRIOR ART REJECTION

All pending claims have been rejected under 35 USC 102 or 103 on the basis of Ellinas, US patent no. 6 331 905. Applicants respectfully traverse this rejection.

Ellinas is completely different from the invention as claimed.

In Ellinas, a protection switch within a node protects against failure of a central switch. See col. 5, lines 35-38. Also, the data is routed on protection cycles that exit and then enter the node until the failed switch in the node is bypassed. See Fig. 3B and the discussion at col. 10, lines 40-57. Fig. 6 and the discussion at col. 12, lines 4-7 indicate that the protection switches are within the node. Hence, the failed node protects itself by a mechanism within the node, see Fig. 9 and col. 13, lines 4-6.

This is completely different from the claimed invention.

In the present invention as claimed in Claims 1, 14, 20, 29 and 30, a node, called a protecting node in Claims 1, 14, 20 and 30, which is a node in a telecommunications network, has a router table that has an entry identifying an alternative route around an adjacent node. This is not the case with Ellinas because his protection switches are within the node. The distinction is made clear by stating that the adjacent node and protecting node are each separate nodes of the network, and not switches within a node.

In the present invention, when a node fails, the adjacent protecting nodes prevent data from ever reaching the failed node. This means that protection switches are not necessary and complicated cycles, going into and out of the node, are not necessary. Rather, according to the present invention, the interception of data at the protecting node allows the data to be routed around a single cycle of nodes and the data never needs to be routed in and out of the failed node. One can see for example in the drawings in the present application, for example Fig. 3B, that data never needs to go into the failed node and can easily be bypassed around the failed node.

For Claim 17, Ellinas's data packets must specify the location of the failed node and therefore do not specify "the nodes in the cycle are all adjacent a node not in the cycle" as required by claim 17.

This distinction from Ellinas is completely clear. Nothing in Ellinas remotely suggests the approach taken by the applicants. In fact, Ellinas teaches a completely opposite and more complicated approach to protection against node failure.

Reconsideration and withdrawal of the rejections, and allowance of the claims, is respectfully requested.

Respectfully submitted,

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Encl: None

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